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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,971	01/17/2002	Hiroyuki Kato	036741-0111	5422

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EXAMINER

BURLESON, MICHAEL L

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/046,971 ✓	Applicant(s) KATO, HIROYUKI	
	Examiner Michael Burleson	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-14 and 16 is/are rejected.
- 7) ☒ Claim(s) 11 and 15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/17/2002</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) was submitted on 01/17/2002 was filed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5,6 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Regarding claim 5, Applicant states, "image processing means for merging said image data, which has been stored in said storage means..." Examiner does not understand what the stored imaged data is being merged with.

4. Regarding claim 6, Applicant states, "an image reading system, which comprises image data assigning means for allowing a user to assign said image data which has been stored in said storage means." It is unclear what is being assigned.

5. Regarding claim 16, Applicant states, "storage means for scanning an original image to generate an image data." Examiner fails to understand how a storage means can scan an image.
6. Claim 12 recites the limitation "said threshold" in page 20, line 3. There is insufficient antecedent basis for this limitation in the claim.
7. Claims 13 and 14 are rejected for depending on a rejected claim.

Claim Objections

8. Claim 9 is objected to because of the following informalities: "image data having stored in said storage means" should read, -- image data having been stored in said storage means --. Appropriate correction is required.
9. Claim 16 is objected to because of the following informalities: "a layout analysis every page" should read, -- a layout analysis of every page --. Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-10 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurzweil et al. US 6014464.

3. Regarding claim 1, Kurzweil et al. teaches of a scanner (24), which comprises of a software (30), which includes a color image processing software (34) (column 4, lines 19-45). He also teaches that the process (34) includes the step of separate scans at high resolution in black and white (36a) and low resolution in color (36b) (column 5, lines 29-32). This reads on an image reading system comprising; image reading means for scanning an original image at a first setting during a first scanning to generate a first image data, and for scanning an original image at a second setting, which is different from said first setting, during a second scanning to generate a second image data. Kurzweil et al. teaches of combining the high resolution black and white file and low resolution color file into a text and image file (94) (column 7, lines 25-37), which reads on image processing means for using said first and second image data to generate a new image data. Kurzweil et al. teaches of a mass storage element (16) (column 4, lines 34-45), which reads on storage means for storing said new image data generated by said image processing means.

4. Regarding claim 2, He also teaches that the process (34) includes the step of separate scans at high resolution in black and white (36a) and low resolution in color (36b) (column 5, lines 29-32), which reads on said first setting is a setting for color low resolution and said second setting is a setting for a monochromatic high resolution.

5. Regarding claim 3, Kurzweil et al. teaches of separate scans of the image to produce files (36a) and (36b) (column 5, lines 29-32), which reads on the original image scanned at said first setting is the same as the original image scanned at said second setting.

6. Regarding claim 4, The same document is being scanned at high resolution black and white and low resolution in color (column 5, lines 29-32), it is inherent that the page number would be the same since the document is the same document being scanned twice.

7. Regarding claim 5, As best understood by claim language, Kurzweil et al. teaches of a scanner (24), which reads on an image reading means for scanning an original image to generate an image data. Kurzweil et al. teaches of a mass storage element (16) (column 3, lines 34-45), which reads on storage means for storing said image data. Kurzweil et al. teaches of combining the high resolution black and white file and low resolution color file into a text and image file (94) (column 7, lines 25-37), which reads on image processing means for merging said image data, which has been stored in said storage means, to generate a new image data. Kurzweil et al. teaches a mass storage device (16) for storing an image file (31) (column 4, lines 27-45), which reads on said new image data generated by said image processing means is stored in said storage means again.

8. Regarding claim 6, As best understood by claim language, Kurzweil et al. teaches of compression/decompression software (30) that allows the user to request a representation of the document (column 4, lines 18-26), which reads on an image data

assigning means for allowing a user to assign said image data which has been stored in said storage means.

9. Regarding claim 7, As best understood by claim language, Kurzweil et al. teaches of a color image is scanned, separate scans of the image are produced (column 15,lines 40-49), which reads on scan setting determining means for determining a scan setting for an original image, which is to be newly scanned, on the basis of an image setting for the image data assigned by said imaged data assigning means.

10. Regarding claim 8, Kurzweil et al. teaches a mass storage device (16) for storing an image file (31) (column 4,lines 27-45), which reads on the original image having stored in said storage means is the same as an original image which is to be newly scanned.

11. Regarding claim 9, The same document is being scanned at high resolution black and white and low resolution in color (column 5,lines 29-32), it is inherent that the page number would be the same since the document is the same document being scanned twice.

12. Regarding claim 10, Kurzweil et al. teaches of a scanner (24), which reads on an image reading means for scanning an original image to generate an image data. Kurzweil et al. teaches of a mass storage element (16) (column 3,lines 34-45), which reads on storage means for storing said image data. Kurzweil et al. teaches of combining the high resolution black and white file and low resolution color file into a text and image file (94) (column 7,lines 25-37). The process (34) includes the step of

separate scans at high resolution in black and white (36a) and low resolution in color (36b) (column 5, lines 29-32). This reads on image processing means for using a predetermined criterion to merge a plurality of image data to convert said plurality of image data to one image data when said storage means stores said plurality of image data.

13. Regarding claim 16, As best understood by claim language, Kurzweil et al. teaches of a scanner (24), which reads on a storage means for scanning an original image to generate an image data. Kurzweil et al. teaches of a mass storage element (16) (column 3, lines 34-45), which reads on storage means for storing said image data. Kurzweil et al. teaches of processing the color image into separate text, image and color information (column 5, lines 12-17). Kurzweil et al. teaches of modeling the color document into three levels (column 4, lines 45-67 and column 5, lines 1-28). This reads on image processing means for carrying out a layout analysis every page with respect to a color low resolution image data, for using a monochromatic high resolution image data with respect to a portion determined as a character portion, and for using said color low resolution image data with respect to a portion other than said character portion, to carry out a merge image processing, when said storage means stores said color low resolution image data and said monochromatic high resolution image data.

Allowable Subject Matter

14. Claims 11 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

Any inquiry concerning this communication should be directed to Michael Burleson whose telephone number is (571) 272-7460 and fax number is (571) 273-7460. The examiner can normally be reached Monday thru Friday from 8:00 a.m. – 4:30p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at (571) 272-7471

Michael Burleson
Patent Examiner
Art Unit 2626

MB

MIb
November 27, 2005


MARK WALLERSON
PRIMARY EXAMINER